

**ZB# 94-35**

**Norma Rossetti**

**61-1-7 & 8**

Prelim.

Sept. 12, 1994.

Apps. furnished  
8/26/94 to.

Mrs. Gisselbrecht

Need copy of:

- ① Deed & map
- ② Title Report & here
- ③ Photos
- ④ Affidavits
- ⑤ Fees: ① 50.00 & paid
- ② 292.00 out paid

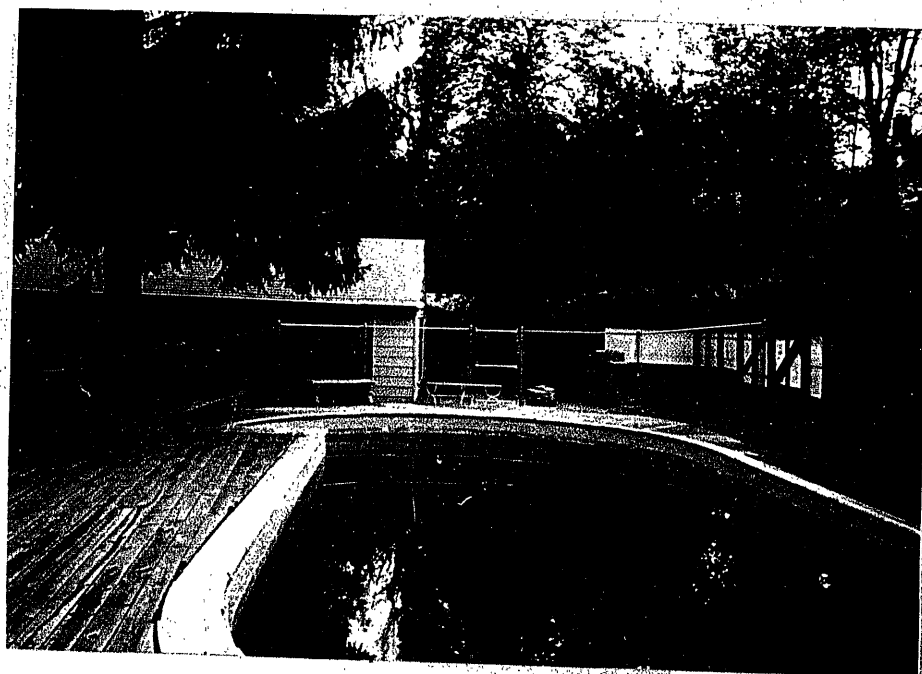
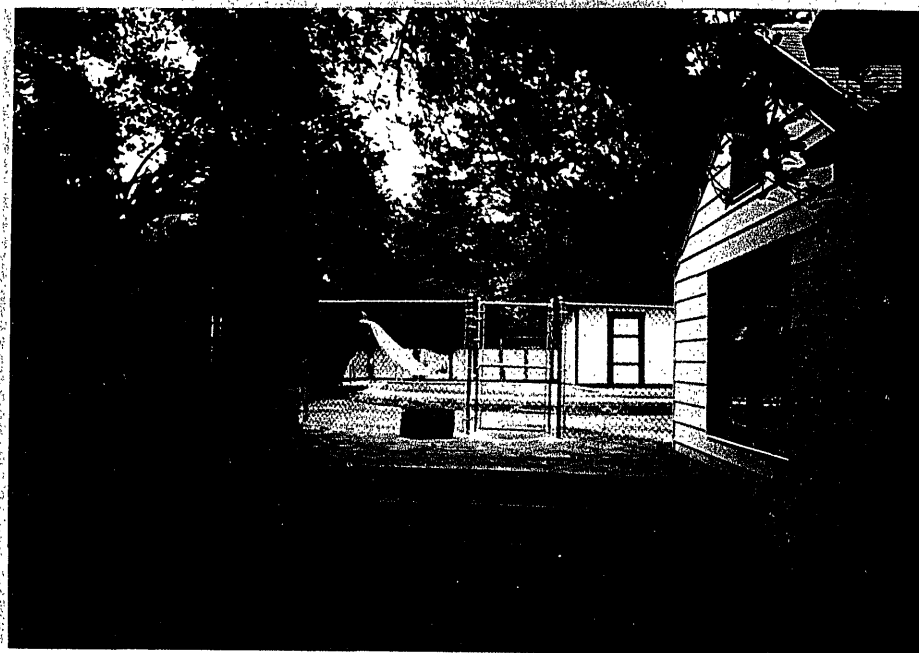
Public Hearing:

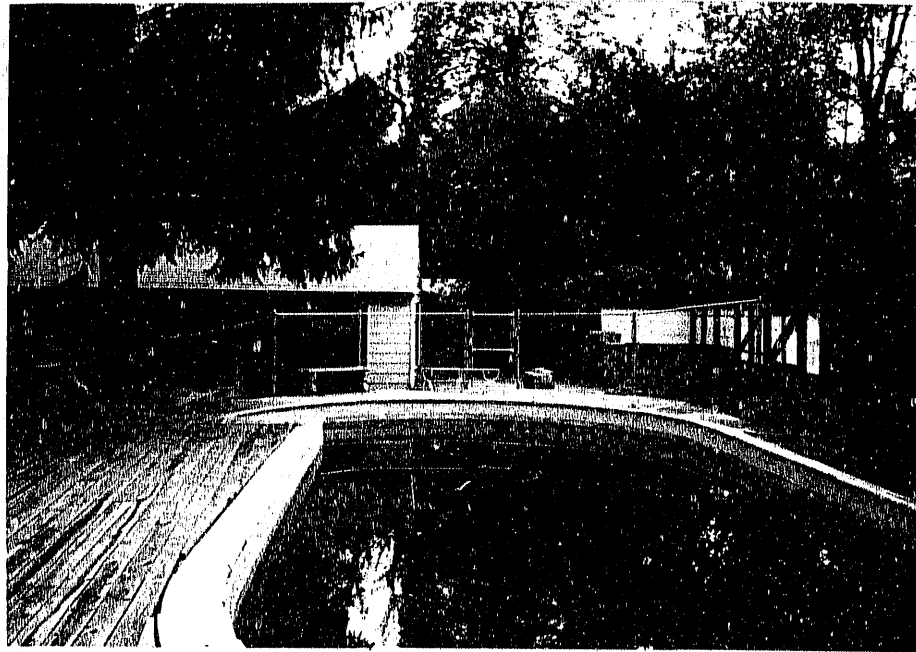
September 26, 1994.

Area Variances

Granted

#94-35 - Rossetti, Norma  
4 area Variances





TOWN OF NEW WINDSOR  
555 Union Avenue  
New Windsor, NY 12550

## GENERAL RECEIPT

14275

Sept. 19 19 94

Received of Norma Rossetti \$ 50.00  
fifty 00/100 DOLLARS

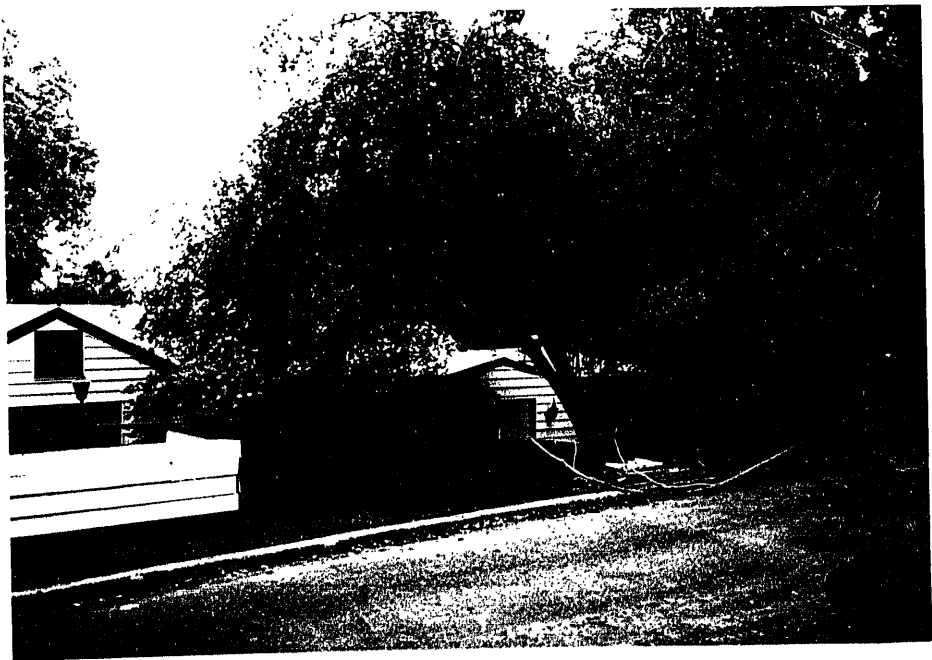
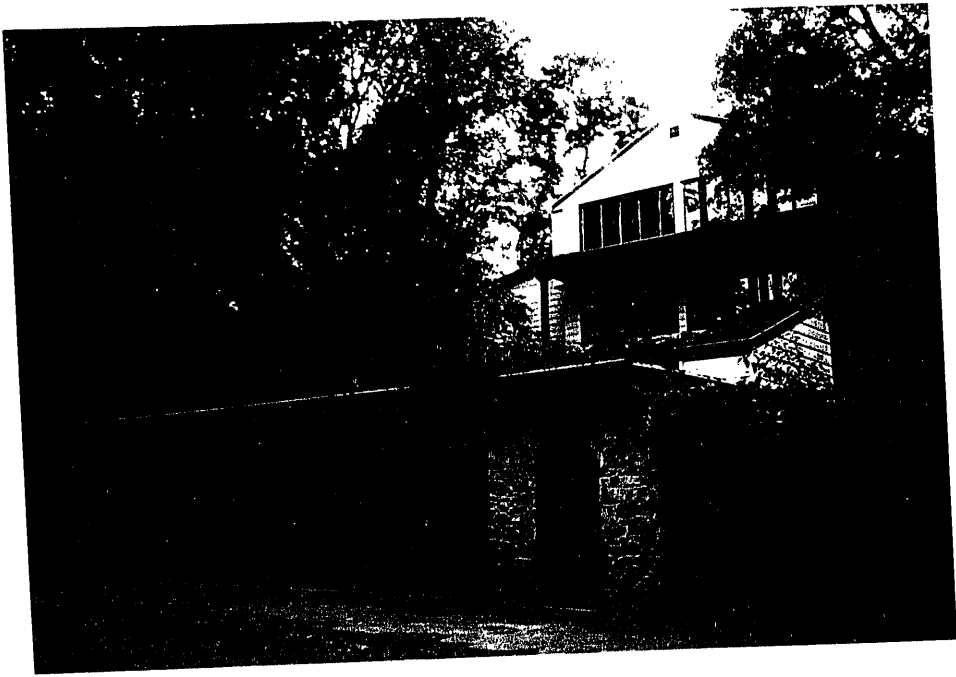
For ZBA Application # 94-35

DISTRIBUTION:

FUND	CODE	AMOUNT
ck # 126		50.00

By Dorothy H. Hansen  
sk

Town Clerk  
Title



4 area advances

-----X  
In the Matter of the Application of

NORMA ROSSETTI,

DECISION GRANTING  
AREA VARIANCE#94-35.  
  
-----X

WHEREAS, NORMA ROSSETTI, 101 Columbia Street, Albany, New York 12210, has made application before the Zoning Board of Appeals for a 34 ft. front yard variance for an existing deck and variances from Section 48-14A(4) and 48-14C(1) of the Supplemental Yard Regulations for an existing garage, shed and fence located on Ram Road at the intersection of Valley View Drive and Lake Road in an R-4 zone; and

WHEREAS, a public hearing was held on the 26th day of September, 1994, before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, applicant was represented by Fernande Rossetti, Esq.; and

WHEREAS, there was one spectator appearing at the public hearing; and

WHEREAS, there was no opposition to the application before the Board; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following findings in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.

2. The evidence presented by the applicant showed that:

(a) This is a one-family parcel in a neighborhood of one-family properties.

(b) The deck, garage, shed and fence are all existing.

(c) The deck, garage, shed, fence and pool are very aesthetically pleasing and they add to the value of this property and, therefore, to the other properties in the neighborhood.

(d) The lot lines of the subject parcel make it an unusually shaped parcel.

(e) The existing structures would be expensive to tear down and move and, in the case of the garage, the construction is so substantial that it may not be possible to tear this structure down absent extraordinary effort and expense.

(f) There are similar decks, pools, garages and sheds

on the neighboring properties in the neighborhood.

(g) The pool, deck and shed existed when the present owner's predecessor-in-interest purchased the property around 1968.

(h) Construction of the pool predates zoning regulation in the Town of New Windsor.

(i) Building Permits were obtained for the erection of the garage but no certificate of occupancy was ever issued.

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law in this matter:

1. The requested variance will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.

2. There is no other feasible method available to applicant which can produce the benefit sought other than the variance procedure.

3. The requested variances are substantial in relation to the town regulations but nevertheless warranted because they will enable the owner to maintain this property in a condition which makes it valuable and increases the value of the other properties in the neighborhood.

4. There will be no adverse impact to the neighborhood. The conditions exist now and there appear to be no problems or complaints with same.

5. The difficulty the applicant faces in conforming to the bulk regulations is not self-created as to all other items except the garage. The difficulty is self-created as to the garage but nevertheless the variance requested should be granted because it is in the most appropriate location for the property in question.

6. It is the finding of this Board that the benefit to the applicant, if the requested area variance is granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community by such grant.

7. It is the further finding of this Board that the requested area variances are the minimum variance necessary and adequate to allow the applicant relief from the requirements of the bulk regulations and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

8. The interests of justice will be served by allowing the granting of the requested area variance.

NOW, THEREFORE, BE IT

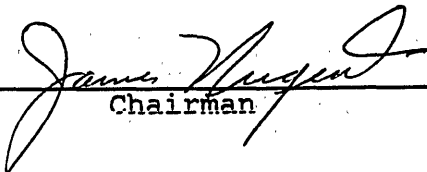
RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a 34 ft. front yard variance for an existing

deck and variances from Sections 48-14A(4) and 48-14C(1) of the Supplemental Yard Regulations for an existing garage, shed and fence located at the above residence in an R-4 zone, as sought by the applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER,

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and applicant.

Dated: November 14, 1994.

  
Chairman

(ZBA DISK#12-102694.NR)



PUBLIC NOTICE OF HEARING BEFORE  
ZONING BOARD OF APPEALS  
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

Appeal No. 35

Request of NORMA ROSSETTI

for a VARIANCE of the Zoning Local Law to permit:

existing garage, deck, shed and fence which project closer to road than principal building, with deck having insufficient front yard;

being a VARIANCE of Section 48-12 - Table of Use/Bulk Regs., Col. E and Section 48-14A(4) and 48-14C(1) of the Supplementary Yard Regulations;

for property situated as follows:

Ram Road at the intersection of Valley View Drive and Lake Road,  
New Windsor, New York;

known as tax lot Section 61 Block 1 Lot 7 & 8.

SAID HEARING will take place on the 26th day of September,  
19 94, at New Windsor Town Hall, 555 Union Avenue, New Windsor,  
New York, beginning at 7:30 o'clock P. M.

JAMES NUGENT  
Chairman

ROSSETTI, NORMA

MR. NUGENT: Request for 34 ft. front yard variance for an existing deck and variances from Sections 48-14A(4) and 48-14C(1) on the supplemental yard regulations for existing garage, shed and fence located on Ram road at intersection of Valley view Drive and Lake Road in an R-4 zone.

Ms. Fernande Rossetti appeared before the board for this proposal.

MR. NUGENT: You're on.

MS. ROSSETTI: I'm giving you the pictures that you requested which are from different angles of the property and by definition, this property has three front yards. This is looking at the side of the house from Valley View Drive and this is a wider angle shot but this is what's referred to as Ram Road.

MR. NUGENT: What's the, so we all understand, you need 34 foot front yard?

MR. BABCOCK: 35.

MR. NUGENT: For the existing deck. What's the existing deck?

MS. ROSSETTI: The existing deck is off to the side here.

MS. ROSSETTI: This is the other angle?

MR. NUGENT: This is the deck.

MS. ROSSETTI: Yes.

MS. ROSSETTI: There's a shed on the deck.

NR. NUGENT: That is why you included the shed and the garage.

MR. BABCOCK: Yes, cause I think it does count.

MR. NUGENT: You made a change?

MR. BABCOCK: Yes.

MR. NUGENT: Here's the deck, guys.

MR. LANGANKE: Boy, that is nice.

MS. ROSSETTI: These are, I believe I had faxed to you.

MS. BARNHART: I gave copies to all the members, thank you.

MS. ROSSETTI: And I was able today, I wasn't able to give you advance notice because I was out of town so I didn't know I would be able to get these but I also have two more affidavits from neighbors.

MS. BARNHART: Also for the record I sent out 27 notices and there's an affidavit of service by mail in the file. As you can see, we don't have anybody here except Marry Jane and she's here on behalf of Rossetti.

MS. ROSSETTI: She's in favor of us.

MR. TORLEY: This is certainly one of the nicest uses of the land I've seen out in that area, very attractive. Clearly this is not a detriment to the neighbors health, welfare, land values.

MR. NUGENT: That is evidenced by no spectators.

MR. TORLEY: Due to the unusual shape of the lot, you feel there's no economic way you can meet the zoning requirements?

MS. ROSSETTI: No, there is absolutely not and with respect to the garage in particular you can see it's a stone garage, it's not the type of structure that could be moved or really torn down.

MR. KRIEGER: In order to comply, you would have to tear it down and rebuild it which would be extremely expensive if it were possible?

MS. ROSSETTI: Right, if possible. According to the engineer who did the structural, it's very solid.

MR. KRIEGER: This is a one family home in a neighborhood of one family homes?

MS. ROSSETTI: Yes, it is. Although next door there is, not right next door, but there's an old, a veteran's home now, used to be a restaurant called the Maples, I don't know what that is but the area is predominantly single family.

MR. KRIEGER: Do the other homes in the area contain at least some of the structures similar to these in any way?

MR. TORLEY: Decks, pools, garages?

MS. ROSSETTI: Most of the homes do have garages. They have built several larger homes on Lake Road that are now more comparable, the homes that go up the hill, up Valley View Drive are a little bit smaller. One of the problems in selling the home was initially was that the property value of this house exceeded the property values around it which made it difficult to sell but yes, the homes in that area all have garages.

MR. KRIEGER: When you say existing, when did you purchase this home?

MS. ROSSETTI: Well, my father purchased this home in 1968.

MR. KRIEGER: They were then existing?

MS. ROSSETTI: On this, yes. The garage wasn't existing then, the pool was existing then there was a deck existing at that time, a fence and a shed all in the same locations.

MR. LANGANKE: Excuse me, Mike, isn't there something that says if you have a certain slope the garage can be in front of the house?

MR. BABCOCK: That is correct.

MR. LANGANKE: This looks pretty steep.

MR. BABCOCK: Well, the thing is to demonstrate that slope is another item that you'd have to do and that is something that is an issue in front of the Planning Board so rather than send her in front of Planning Board and have a surveyor try to demonstrate the slopes of why this garage is there. There's a possibility that she would require a variance anyway.

MR. KRIEGER: And she has to be here for the others.

MR. BABCOCK: She got a building permit to put this garager there. There also was a building permit for the deck.

MR. NUGENT: But she never got a C.O.

MR. BABCOCK: We understand now according to the affidavits that the pool was there before '65. The shed I assume was put up along with the deck at some point in time without the benefit of a permit.

MR. LANGANKE: So if they were to follow through and got a C.O. they would not have a problem now?

MR. BABCOCK: Well, that is not always necessarily true but usually it is. As you remember Dunkin Donuts they were here, they had a C.O. and then all of a sudden the building was a little bit too close to the line. The bank's attorney picked that up and said we want to straight then out. So you know if somebody made a mistake and give them a building permit and made another mistake and give them a C.O. still doesn't really make it right and it could come up so this is probably the best way to straighten it out.

MR. TORLEY: I see no problem at all with granting these variances.

MR. KANE: I move that we grant the variance for the applicant, for Norma Rossetti for her home at Ram Road at the intersection of Valley View and Lake Drive.

September 26, 1994

33

MR. TORLEY: Second it.

ROLL CALL

MR. KANE	AYE
MR. LANGANKE	AYE
MR. TORLEY	AYE
MR. NUGENT	AYE

*Prelim.*  
*Sept. 12th*  
*Page 1 of 2*  
*#94-35*

OFFICE OF THE BUILDING INSPECTOR - TOWN OF NEW WINDSOR  
ORANGE COUNTY, NEW YORK

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: AUGUST 25, 1994

APPLICANT: *Norma*  
~~FERDINAND~~ ROSSETTI/ %CATHY RESNICK  
101 COLUMBIA STREET  
ALBANY, NEW YORK 12210

*Owner: Norma Rossetti*  
*10/16/94*

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED: AUGUST 25, 1994

FOR (BUILDING PERMIT): #146 - ISSUED SEPTEMBER 13, 1972 FOR A  
GARAGE, SHED. NO BUILDING PERMIT

LOCATED AT: 1 VALLEY DRIVE  
*View*

*Lake Rd.*  
*5 Ram Road at Int. of Valley View*  
*Ram*

ZONE: R-4

DESCRIPTION OF EXISTING SITE: SECTION: 61, BLOCK: 1, LOT: *79* 8  
ONE FAMILY HOUSE

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. EXISTING 24FT. X 42FT. GARAGE BUILDING PERMIT #146 ISSUED SEPTEMBER 13, 1972, PROJECTS CLOSER TO ROAD THAN THE HOUSE.
2. EXISTING WOOD SHED PROJECTS CLOSER TO ROAD THAN HOUSE.

*① Garage*  
*② Shed*

*Frank Sisi*  
BUILDING INSPECTOR

\*\*\*\*\*

REQUIREMENTS

PROPOSED OR  
AVAILABLE

VARIANCE  
REQUEST

ZONE: R-4

USE 48-14-A-4

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT  
914-563-4630 TO MAKE AN APPOINTMENT WITH THE ZONING BOARD

CC: Z.B.A., APPLICANT, B.P. FILES.

Page 2

OFFICE OF THE BUILDING INSPECTOR - TOWN OF NEW WINDSOR  
ORANGE COUNTY, NEW YORK

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: AUGUST 25, 1994

APPLICANT: FERDINAND ROSSETTI/ % CATHY RESNICK  
101 COLUMBIA STREET  
ALBANY, NEW YORK 12210

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED: AUGUST 25, 1994  
FOR (BUILDING PERMIT): EXISTING INGROUND POOL/ 5FT. FENCE.

LOCATED AT: 1 VALLEY DRIVE

ZONE: R-4

DESCRIPTION OF EXISTING SITE: SECTION: 61, BLOCK: 1, LOT: 8  
ONE FAMILY HOUSE

IS DISAPPROVED ON THE FOLLOWING GROUNDS: *REVISED*

1. EXISTING INGROUND POOL *AND DECK 9-12-94* IS IN A REQUIRED FRONT YARD.

2. EXISTING 5FT. FENCE FOR POOL PROJECTS CLOSER TO ROAD THAN HOUSE.

*David Lisi*  
BUILDING INSPECTOR

\*\*\*\*\*



REQUIREMENTS

PROPOSED OR  
AVAILABLE

VARIANCE  
REQUEST

ZONE: R-4

USE POOL - 48-21-(G)-1  
FENCE - 48-14-(C)-1

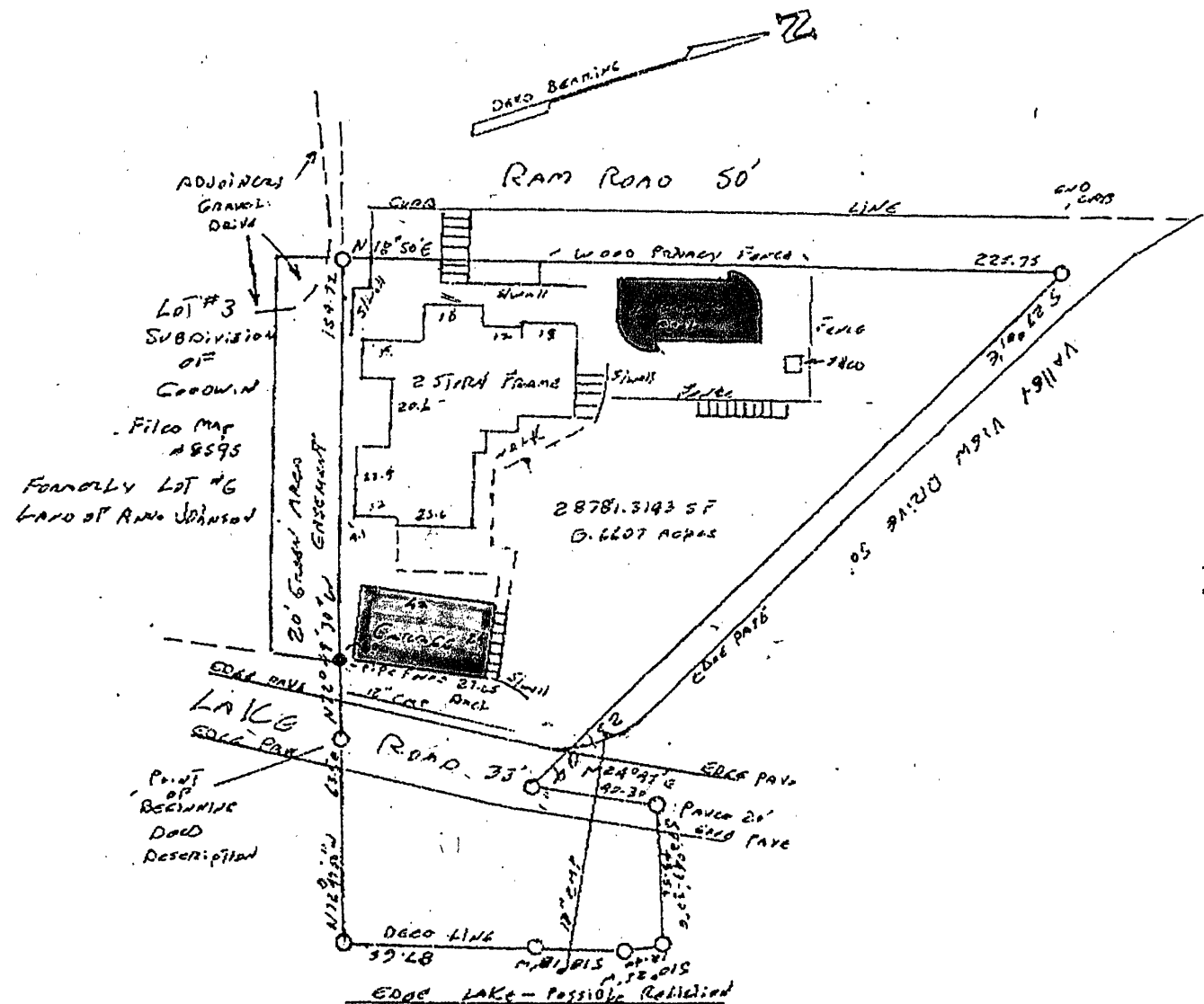
MIN. LOT AREA

MIN. LOT WIDTH

REQ'D FRONT YD *deck* POOL 35FT 90-E 1FT. 34FT.

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT  
914-563-4630 TO MAKE AN APPOINTMENT WITH THE ZONING BOARD

CC: Z.B.A., APPLICANT, B.P. FILES.



Survivor of Lands of  
Norma Rossetti

LOCATED IN THE TOWN OF NEW WINESBORO,  
ORANGE COUNTY STATE OF NEW YORK  
TAX NO 4800. SEC 61. BLK 03. PARCELS #7 & #8

"Certifications indicated herein signify that this survey was prepared in accordance with the existing Code of Practice for Land Surveyors adopted by the Delaware-Hudson Land Surveyors Association. Such certifications shall run only to those named individuals and/or institutions for whom the survey is prepared. Certifications are not transferable to additional individuals, institutions, their successors and/or assigns, or subsequent owners."

THIS MAP IS THE RESULT OF A FIELD SURVEY OF JULY 2, 1990 AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE. IT IS SO CERTIFIED TO NORMA ROSSETTI, FIRST AMERICAN TITLE INSURANCE COMPANY OF NEW YORK, ALBANY SAVINGS BANK, F.S.B.

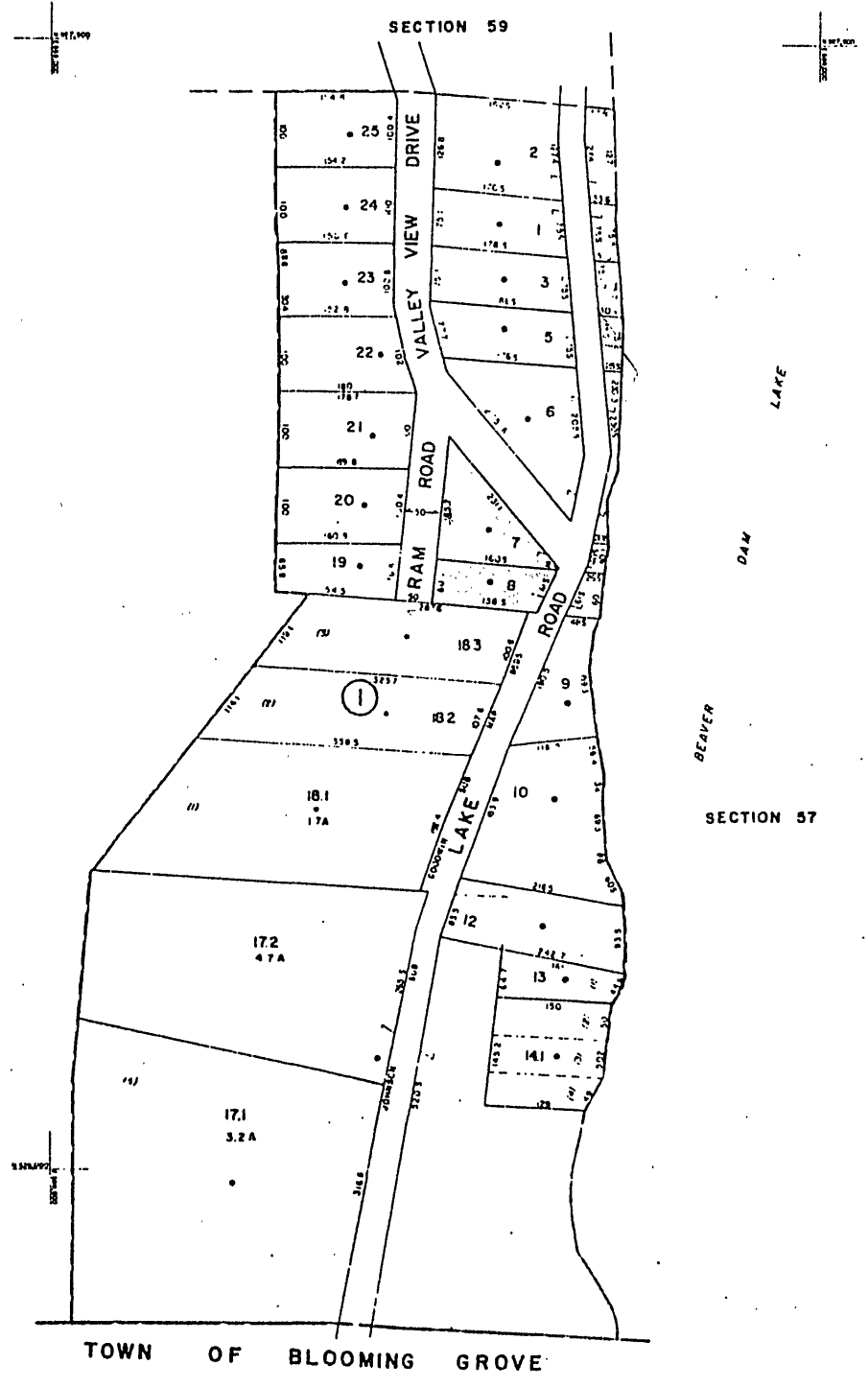
"Unauthorized alteration or addition to a survey map bearing a licensed land surveyor's seal is a violation of Section 7203, sub-division 2, of the New York State Education Law."

Francis E. Whitaker, L.S.  
4 Central Ave. Newburgh N.Y.



Scale 1" = 40'

JULY 5 1950



267

ALL WASHINGTONVILLE SCHOOL DISTRICT  
ALL CALISBURG MILLS FIRE DISTRICT

Prepared by  
**AERO SERVICE CORPORATION**  
400 WEST 4TH STREET, SUITE 100  
NEW YORK, N.Y. 10014  
FOR TAX PURPOSES ONLY  
NOT TO BE USED FOR CONVEYANCE

LEGEND			
STATE OR COUNTY LINE	FILED PLAN LOT LINE	TAX MAP BLOCK NO.	FILED PLAN BLOCK NO.
CITY, TOWN OR VILLAGE LINE	ESSENTIAL LINE	TAX MAP PARCEL NO.	FILED PLAN LOT NO.
BLOCK & SECTION LINE	MATCH LINE	AREAS	STATE HIGHWAYS
SPECIAL DISTRICT LINE	STREAMS	DIMENSIONS	COUNTY HIGHWAYS
PROPERTY LINE			TOWN ROADS

**ORANGE COUNTY~NEW YORK**  
Photo No. 7-344,345 Date of Map 9-24-67  
Date of Photo 3-1-69 Date of Revision 3-1-61  
Scale 1" = 100'

**TOWN OF NEW WINDSOR**  
Section No. 61



1763

# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

September 20, 1994

Mr. Fernande Rossetti  
101 Columbia St.  
Albany, NY 12210

Re: Tax Map Parcel #61-1-8

Dear Mr. Rossetti:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$45.00, minus your deposit of \$25.00.

Please remit the balance of \$20.00 to the Town Clerk's office.

Sincerely,

*Leslie Cook* (CMO)

Leslie Cook  
Sole Assessor

LC/co  
Attachments  
cc: Pat Barnhart

Strugger, Stuart R.  
16 Valley View Drive  
Salisbury Mills, NY 12577

*Returned 9/20/94  
Resent*

Derevensky, Richard  
18 Valley View Drive  
Salisbury Mills, NY 12577

*Returned 9/20/94 -  
+ Resent.*

Heidelberg, Jan  
121 Lake Road  
Salisbury Mills, NY 12577

Lipinsky, Adolf & Luise  
119 Lake Road  
Salisbury Mills, NY 12577

Cavallo, Francesco E. & Carla M.  
150 Shore Drive  
Oakdale, NY 11769

Dezse, Janos & Mary  
PO Box 303  
Salisbury Mills, NY 12577

Harmolin, Robert A. Sr.  
108 Lake Road  
Salisbury Mills, NY 12577

Pressman, Edward & Gilbert, Arlene  
& Weiss, Samuel & Clarissa  
99 Clent Road  
Apt. B112  
Great Neck Plaza, NY 11021

Sipko, William & Susan  
88 Lake Road  
Salisbury Mills, NY 12577

Prager, Bart & Ellen  
101 Lake Road  
Salisbury Mills, NY 12577

Ryan Jr., Harold W. & Kerry D.  
105 Lake Road  
Salisbury Mills, NY 12577

Carlstrom, Laura C. & John F.  
Lake Road  
Salisbury Mills, NY 12577

O'Brien, Thomas E. & Helen A.  
1917 Narragansett Ave.  
Bronx, NY 10461

Lanzetta, Joseph  
4 Ram Road  
Salisbury Mills, NY 12577

Cox, Donald J. & Heidi F.  
11 Valley View Drive  
Salisbury Mills, NY 12577

Benga Jr., Joseph & Theresa R.  
17 Valley View Drive  
Salisbury Mills, NY 12577

Jeyaseelan Sr., Robert & Shanthi V.  
19 Valley View Drive  
Salisbury Mills, NY 12577

Rakowiecki, Joseph E.  
423 Station Road  
Salisbury Mills, NY 12577

Moore, W. Lee  
Box 349 Shore Drive  
New Windsor, NY 12553

Mans, Donna M.  
c/o Donna M. Gery  
7422 Fountain Head Drive  
Annandale, VA 22003-5701

Mans, Louren S. & Angeline  
Box 351 Shore Drive  
New Windsor, NY 12553

Horrace, Gregory & Patricia  
Box 352  
New Windsor, NY 12553

Beaver Dam Lake Water Corp.  
c/o Helen O'Leary  
Box 530B Shore Drive  
New Windsor, NY 12553

McGuinness, James P. & Carol B.  
Shore Drive  
New Windsor, NY 12553

McGuinness, Carole B.  
Shore Drive  
New Windsor, NY 12553

Trainor, Craig T. & Lisa A.  
353B Shore Drive  
New Windsor, NY 12553

TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

# 94-35

Date: 09/12/94

I. Applicant Information:

- (a) ROSSETTI, NORMA - P. O. Box 329, Salisbury Mills, N.Y. 12577 x  
(Name, address and phone of Applicant) (Owner)
- (b) -  
(Name, address and phone of purchaser or lessee)
- (c) Fernande Rossetti, Esq., 101 Columbia Street, Albany, N. Y. 12210  
(Name, address and phone of attorney)
- (d) -  
(Name, address and phone of contractor/engineer/architect)

II. Application type:

- (☐) Use Variance (☐) Sign Variance
- (☒) Area Variance (☐) Interpretation

III. Property Information:

- (a) R-4 Ram Road @ Inters. Valley View Drive 61-1-7&8 166 x 231 s.f. +  
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? None
- (c) Is a pending sale or lease subject to ZBA approval of this application? Yes
- (d) When was property purchased by present owner? 02/18/81
- (e) Has property been subdivided previously? No
- (f) Has property been subject of variance previously? No  
If so, when? -
- (g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? No
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: n/a
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

IV. Use Variance. n/a

- (a) Use Variance requested from New Windsor Zoning Local Law, Section \_\_\_\_\_, Table of \_\_\_\_\_ Regs., Col. \_\_\_\_\_, to allow:  
(Describe proposal) \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

n/a

(b) The legal standard for a "use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(c) <sup>n/a</sup> Applicant must fill out and file a Short Environmental Assessment Form (SEQR) with this application.

(d) The property in question is located in or within 500 ft. of a County Agricultural District: Yes \_\_\_\_\_ No x.

If the answer is Yes, an agricultural data statement must be submitted along with the application as well as the names of all property owners within the Agricultural District referred to. You may request this list from the Assessor's Office.

V. Area variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section 48-12, Table of Use/Bulk \_\_\_\_\_ Regs., Col. E. Section 48-14A(4) and 48-14C(I) of the Supplementary Yard Regulations;

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
Reqd. Front Yd. <u>35 ft.</u>	<u>1 ft.</u>	<u>34 ft.</u>
Reqd. Side Yd. _____	_____	_____
Reqd. Rear Yd. _____	_____	_____
Reqd. Street Frontage* _____	_____	_____
Max. Bldg. Hgt. _____	_____	_____
Min. Floor Area* _____	_____	_____
Dev. Coverage* _____ %	_____ %	_____ %
Floor Area Ratio** _____	_____	_____
Parking Area _____	_____	_____

\* Residential Districts only

\*\* No-residential districts only

(b) In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3)



whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created. Describe why you believe the ZBA should grant your application for an area variance:

(See attached recitation as Schedule A)

(You may attach additional paperwork if more space is needed)

VI. Sign Variance: n/a

(a) Variance requested from New Windsor Zoning Local Law, Section \_\_\_\_\_, Table of \_\_\_\_\_ Regs., Col. \_\_\_\_\_.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign 2	_____	_____	_____
Sign 3	_____	_____	_____
Sign 4	_____	_____	_____
	_____	_____	_____

n/a

(b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or over size signs.

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n/a

(c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

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VII. Interpretation. n/a

(a) Interpretation requested of New Windsor Zoning Local Law, Section \_\_\_\_\_, Table of \_\_\_\_\_ Regs., Col. \_\_\_\_\_.

(b) Describe in detail the proposal before the Board:

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VIII. Additional comments:

(a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or



(b) Variance: Granted (\_\_\_\_) Denied (\_\_\_\_)

(c) Restrictions or conditions: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

NOTE: A FORMAL DECISION WILL FOLLOW UPON RECEIPT OF THE PUBLIC HEARING MINUTES WHICH WILL BE ADOPTED BY RESOLUTION OF ZONING BOARD OF APPEALS AT A LATER DATE.

(ZBA DISK#7-080991.AP)

The parcel in question has been owned by the Rossetti family since 1968, contains approximately 38,346 square feet of land and is located on a triangular-shaped lot which has three front yards. The residence, which was apparently constructed by the previous owner in or around 1960, and garage, front on Ram Road at the intersection of Valley View Drive and Lake Road.

Applicant applied for a building permit (#146) to construct a garage and shed. The building permit was issued on September 13, 1972 and the two structures were apparently constructed closer to road than the principal building in variance of Section 48-14A(4) of the Supplementary Yard Regulations. The pool existed before the Rossetti's took title to the property and Applicant will present affidavits from adjacent neighbors certifying that the pool is pre-existing and non-conforming and that no variances are required for same.

Since this request is in the nature of area variances, the Applicant presents five specific points to explore:

1. The Applicant believes that if this variance is granted it will not produce an undesirable change in the character of the neighborhood or cause detriment to nearby properties since the residence has been in existence since the 1960's and is conducive with the residential character of the area.

2. There is no other method that the Applicant can feasibly pursue other than the area variances sought.

3. The Applicant submits that the extent of the variances sought are substantial but since some of the structures were in place before the institution of zoning in the town, Applicant feels that the requested variances should be granted.

4. Applicant feels that the proposed variance sought will not have an adverse effect or impact on either the physical or environmental conditions in the neighborhood. The variances refer to residential approvals only and will not ultimately create an adverse effect or impact. Applicant feels at a disadvantage since the parcel in question has three front yards, which makes it difficult to conform to any of the bulk or yard regulations stated in the code.

5. The Applicant's difficulties are clearly inherited. Applicant's deceased husband handled all legal affairs of the household and she relied on the fact that all municipal approvals were in order. Applicant was unaware of the requirements under the Zoning Local Law for an R-4 district.

In view of all of the facts and circumstances presented to this Board, Applicant respectfully requests that the area variances sought be granted.

AFFIDAVIT

STATE OF NEW YORK )  
                              ) ss.:  
COUNTY OF BRONX )

HELEN O'BRIEN, being duly sworn, deposes and says:

1. I am the owner of property located at 6 Ram Road, New Windsor, New York, and I am familiar with the property located at 5 Ram Road, New Windsor, New York, which is presently owned by Norma Rossetti.

2. I have owned the property at 6 Ram Road, New Windsor, New York, since in or about 1960. I, therefore, have personal knowledge of the fact that the inground swimming pool has been on property at 5 Ram Road for as long as I have owned my property at 6 Ram Road and that there has been a fence around the pool since that time as well.

  
HELEN O'BRIEN

Sworn to before me this  
22nd day of September, 1994.

  
Notary Public

KATHLEEN M. RESNICK  
Notary Public, State of New York  
No 4877692  
Qualified in Albany County  
Commission Expires Feb 11 19\_\_

AFFIDAVIT

STATE OF NEW YORK       )  
                              ) ss.:  
COUNTY OF WESTCHESTER )

CAROL DEIKUS, being duly sworn, deposes and says:

1. I presently reside at 766 Tuckahoe Road, Apartment 2A, Yonkers, New York 10710.

2. I make this affidavit at the request of Norma Rossetti because I have personal knowledge of the fact that the inground swimming pool located on her property at 5 Ram Road was on the property prior to 1965.


3. My parents owned a summer home on Beaver Dam Lake which they purchased in or about 1960. We spent weekends and summers at the lake, and I became friendly with the former owners of 5 Ram Road.

4. 5 Ram Road was previously owned by Jean and Clyde Squires, whose grandchildren resided with them for a substantial part of the year. Shortly after my parents purchased their summer home in 1960, I began dating one of the Squires' grandchildren, George Wilhelm.

5. I frequently visited with George Wilhelm at his grandparent's house at 5 Ram Road and swam in the swimming pool. I would also point out that the swimming pool is in the shape of an "S" for "Squires."

  
CAROL DEIKUS

Sworn to before me this  
22nd day of September, 1994.

  
Notary Public

KATHLEEN M. RESNICK  
Notary Public, State of New York  
No 4977692  
Qualified in Albany County  
Commission Expires Feb 11 1995

ROSSETTI, NORMA

Ms. Norma Rossetti appeared before the board for this proposal.

MR. NUGENT: Request for variance of Section 48-14A(4) for existing garage, shed and 5 ft. fence which projects closer to road than principal building, and a 34 foot front yard variance for existing inground pool at 4 Ram Road in R-4 zone. Explain what you want to do.

MS. ROSSETTI: Well, we don't want to do anything other than sell the property and I guess I can't get a C.O. without getting these variances. There's a garage, I'm not really, I guess I'm kind of confused, there's a garage that is on I understand is closer to the road than it should have been, it's a stone garage, three car stone garage.

MR. TORLEY: Do you know how old the stone garage is?

MS. ROSSETTI: About 22 years old, built in about 1972. Do you have any questions about the garage in particular? I mean we'd have it structurally inspected. I don't know if that is anything you'd be concerned with.

MR. NUGENT: Well, we're concerned with the whole entire piece because you have unfortunately two front yards, three front yards.

MS. BARNHART: Yes, there's Ram Road, Lake Road and there's Valley View so there's three front yards so that makes it real difficult.

MS. ROSSETTI: Actually, the front of the house is on Ram Road. Shed is on the pool deck. It's just a little shed.

MR. NUGENT: Is there any reason that the shed couldn't be--it's part of the deck?

MS. ROSSETTI: Yes, it's part of the deck. It's inside of the fence on the deck, I guess, I don't really

understand that because it doesn't come any closer this way.

MR. NUGENT: It's closer to this road.

MS. ROSSETTI: The pool was there when the house was purchased in 1969, so I guess I'm not really fully familiar with all the town ordinances but I don't understand how that is a problem after the fact.

MR. NUGENT: Anything that was done after '67, that is when zoning came into existence.

MR. TORLEY: Do we have any data when the pool was put in? Maybe it was '67.

MR. BABCOCK: No, we have a deck for the swimming pool that was built in '69. I assume it was built either prior or with a swimming pool.

MS. ROSSETTI: The house was purchased in 1969 by my father and the pool was there so it seems inconceivable that the people would have put the pool in. They have lived there a considerable amount of time.

MR. TORLEY: If you can find anybody stating it was there in '67, we can get rid of a lot of variances. You're still here because of the garage and you're stuck with that. But it would make it easier if that is pre-existing.

MS. ROSSETTI: If the pool is pre-existing and the deck where the shed which I don't know about those but I do know about the pool.

MR. NUGENT: Deck has a building permit?

MR. BABCOCK: Deck was done in '69 so that does need, even the deck, which is not listed here is an accessory structure, it's in the front yard.

MR. TORLEY: So really isn't going to make any difference.

MS. ROSSETTI: Except for the pool.



MR. NUGENT: Got to go for the deck.

MS. BARNHART: Might as well do the whole thing, it's better to make it legal.

MR. BABCOCK: We have to add the deck around the pool, I think we should, just for maybe we should ask Andy is that part of the pool?

MR. KRIEGER: It's not considered part of the pool, no, it's not automatically.

MR. BABCOCK: Maybe we should say pool and deck.

MR. NUGENT: Mike, is there developmental coverage on this piece of property?

MR. BABCOCK: Good question.

MR. NUGENT: It's a fairly good-sized lot.

MR. TORLEY: 25 percent?

MR. BABCOCK: 30.

MS. ROSSETTI: This is a basement, it's above ground so if you went to the property, there's no question that the basement isn't the front entrance to the house.

MR. TORLEY: If you make those computations--

MR. BABCOCK: I wouldn't do that, it would have to be a surveyor to do that. If it was a square lot, I'd be able to pretty much do it but it's going to take some work to be able to figure that out.

MR. NUGENT: It's an awful big lot.

MR. LANGANKE: Do you have any pictures?

MR. NUGENT: No but we're going to ask her to bring them.

MR. KANE: She needs to amend her application to

include the deck.

MR. NUGENT: Yes, if you give it to me, I'll have Pat do it right now.

MR. NUGENT: We're going to cover all your bases.

MS. ROSSETTI: Unfortunately, it's the people's mortgage commitment.

MR. NUGENT: Any other questions by the board?

MR. KANE: Just a quick question. Mike, if the deck is part of the application for a variance and the shed is in the deck, would that become, is it part of the deck itself or would that be two separate variances needed there?

MR. BABCOCK: I would probably say two variances.

MR. TORLEY: If it's sitting on the deck, if you have got something on the deck and you're giving a variance for the size of the deck, what do you care what's on it?

MR. BABCOCK: It doesn't say what's on it, just says that a shed cannot project closer to the street than the principal building.

MR. KRIEGER: If a shed were on top of a deck, it wouldn't affect the footprint. You can do anything you want on top of the deck. But the question was asked about the pool and deck, are they separate and my answer is yes, they are separate structures.

MR. NUGENT: You can still take the shed off and leave the deck.

MR. BABCOCK: But the opposite, if somebody had a deck without the shed, and came to me and said can I put my shed on top of that deck, I'd say no because the law says you cannot project closer to the road with a shed than the principal building. Doesn't say on the deck. So I think it should be left only to make sure that there's no complication down the road.

MR. NUGENT: Leave it in.

MR. KANE: That was my point, just to make sure.

MR. KRIEGER: As long as you're doing it you might as well make sure that you have got everything.

MR. NUGENT: I'll accept a motion.

MR. KANE: I'd move that we set up Norma Rossetti for a public hearing.

MR. LANGANKE: Second it.

ROLL CALL

MR. TORLEY	AYE
MR. LANGANKE	AYE
MR. KANE	AYE
MR. NUGENT	AYE

MR. NUGENT: Bring some photographs when you come to your public hearing.

MS. ROSSETTI: I'll take a couple, it's a difficult piece of property to take pictures of.

MR. TORLEY: The neighbors of the property are going to be getting letters. Basically, it might help if you go and tell them what you're doing, they know it's been there for 20 years. Otherwise, people are going to see it and not know what it is.

MR. KRIEGER: There are certain criteria that the Zoning Board must address in an area variance. Those are listed on that sheet. If you would address yourself to those when you make the presentation because those are the questions that the Zoning Board will have to answer.

MR. KANE: Do we still need a verification that the pool was inground?

MR. NUGENT: Doesn't matter.

September 12, 1994

11

MS. BARNHART: She's going to go for the whole ball of wax.

MR. KRIEGER: It would be helpful but you don't need it.

MS. ROSSETTI: But it would be helpful cause I know that at least one of the neighbors has been there definitely before we were there.

MR. BABCOCK: If it was the only variance, you know, that you were seeking, I'd say yeah, that is a good idea. This way, it would eliminate it.

MR. KRIEGER: Here it may be nothing more than evidence considered by the board but more evidence you bring in your favor, the better off you are.

MS. ROSSETTI: I can contact you to find out when the public meeting is?

MS. BARNHART: As soon as you get the paperwork back.

**AFFIDAVIT**

STATE OF NEW YORK )  
                              ) ss.:  
COUNTY OF ORANGE )

Robert E. Witt, being duly sworn, deposes  
and says:

1. I am the owner of property located at  
7 Hillcrest Drive, New Windsor, New York, and I am  
familiar with the property located at 5 Ram Road, New  
Windsor, New York, which is presently owned by Norma  
Rossetti.

2. I have owned the said property at New Windsor, New  
York, which is within one-half mile of Mrs. Rossetti's  
property, since in or about <sup>1951 R.E.W.</sup> 1960. I am also familiar with  
the former owners and residents of 5 Ram Road, the Squires  
and the Wilhelms. I, therefore, have personal knowledge of  
the fact that the inground swimming pool has been on property  
at 5 Ram Road <sup>Since prior to 1965 R.E.W.</sup> ~~for as long as I have owned my property on~~  
~~Windsor Road~~ and that there has been a fence around the pool  
since that time as well.

Robert E. Witt

Sworn to before me this  
26<sup>th</sup> day of September, 1994.

Fernande Rossetti  
Notary Public

**FERNANDE ROSSETTI**  
Notary Public, State of New York  
Qualified in Albany County  
No. 471928  
Commission Expires Sept. 30, 1996

**AFFIDAVIT**

STATE OF NEW YORK )  
 ) ss.:  
COUNTY OF ORANGE )

EVA MULHOLLAND, being duly sworn, deposes and says:

1. I am the owner of property located on Windsor Road, New Windsor, New York, and I am familiar with the property located at 5 Ram Road, New Windsor, New York, which is presently owned by Norma Rossetti.

2. I have owned the property on Windsor Road, New Windsor, New York, which is within one-half mile of Mrs. Rossetti's property, since in or about 1960. I am also familiar with the former owners and residents of 5 Ram Road, the Squires and the Wilhelms. I, therefore, have personal knowledge of the fact that the inground swimming pool has been on property at 5 Ram Road for as long as I have owned my property on Windsor Road and that there has been a fence around the pool since that time as well.

*Eva Mueholland*  
EVA MUEHOLLAND

Sworn to before me this

26<sup>th</sup> day of September, 1994.

Gernande Rosette  
Notary Public

**FERNANDE ROSSETTI**  
Notary Public, State of New York  
Qualified in Albany County  
No. 4717928  
Commission Expires Sept. 30, 19—

**FERNANDE ROSSETTI**  
Notary Public, State of New York  
Qualified in A  
No. 4  
Commission Expires Sept. 30, 1966

ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR  
COUNTY OF ORANGE : STATE OF NEW YORK

-----X  
In the Matter of Application for Variance of

Norma Rossetti,

Applicant.

AFFIDAVIT OF  
SERVICE  
BY MAIL

#94-35.  
-----X

STATE OF NEW YORK )  
                              ) SS.:  
COUNTY OF ORANGE )

PATRICIA A. BARNHART, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age  
and reside at 7 Franklin Avenue, New Windsor, N. Y. 12553.

On September 14, 1994., I compared the 27. addressed  
envelopes containing the attached Notice of Public Hearing with  
the certified list provided by the Assessor regarding the above  
application for variance and I find that the addressees are  
identical to the list received. I then mailed the envelopes in a  
U. S. Depository within the Town of New Windsor.

Patricia A. Barnhart  
Patricia A. Barnhart

Sworn to before me this  
15<sup>th</sup> day of September, 1994.

Deborah Green  
Notary Public

DEBORAH GREEN  
Notary Public, State of New York  
Qualified in Orange County  
# 4984065  
Commission Expires July 15, 1995

(TA DOCDISK#7-030586.AOS)



1763

# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

(26)

September 20, 1994

Mr. Fernande Rossetti  
101 Columbia St.  
Albany, NY 12210

Re: Tax Map Parcel #61-1-8

Dear Mr. Rossetti:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$45.00, minus your deposit of \$25.00.

Please remit the balance of \$20.00 to the Town Clerk's office.

Sincerely,

*Leslie Cook* (CMO)

Leslie Cook  
Sole Assessor

LC/co  
Attachments  
cc: Pat Bannhauf



Strugger, Stuart R.  
16 Valley View Drive  
Salisbury Mills, NY 12577

Derevensky, Richard  
18 Valley View Drive  
Salisbury Mills, NY 12577

Heidelberg, Jan  
121 Lake Road  
Salisbury Mills, NY 12577

Lipinsky, Adolf & Luise  
119 Lake Road  
Salisbury Mills, NY 12577

Cavallo, Francesco E. & Carla M.  
150 Shore Drive  
Oakdale, NY 11769

Dezse, Janos & Mary  
PO Box 303  
Salisbury Mills, NY 12577

Harmolin, Robert A. Sr.  
108 Lake Road  
Salisbury Mills, NY 12577

Pressman, Edward & Gilbert, Arlene  
& Weiss, Samuel & Clarissa  
99 Clent Road  
Apt. B112  
Great Neck Plaza, NY 11021

Sipko, William & Susan  
88 Lake Road  
Salisbury Mills, NY 12577

Prager, Bart & Ellen  
101 Lake Road  
Salisbury Mills, NY 12577

Ryan Jr., Harold W. & Kerry D.  
105 Lake Road  
Salisbury Mills, NY 12577

Carlstrom, Laura C. & John F.  
Lake Road  
Salisbury Mills, NY 12577

O'Brien, Thomas E. & Helen A.  
1917 Narragansett Ave.  
Bronx, NY 10461

Lanzetta, Joseph  
4 Ram Road  
Salisbury Mills, NY 12577

Cox, Donald J. & Heidi F.  
11 Valley View Drive  
Salisbury Mills, NY 12577

Benga Jr., Joseph & Theresa R.  
17 Valley View Drive  
Salisbury Mills, NY 12577

Jeyaseelan Sr., Robert & Shanthi V.  
19 Valley View Drive  
Salisbury Mills, NY 12577

Rakowiecki, Joseph E.  
423 Station Road  
Salisbury Mills, NY 12577

Moore, W. Lee  
Box 349 Shore Drive  
New Windsor, NY 12553

Mans, Donna M.  
c/o Donna M. Gery  
7422 Fountain Head Drive  
Annandale, VA 22003-5701

Mans, Louren S. & Angeline  
Box 351 Shore Drive  
New Windsor, NY 12553

Horrace, Gregory & Patricia  
Box 352  
New Windsor, NY 12553

Beaver Dam Lake Water Corp.  
c/o Helen O'Leary  
Box 530B Shore Drive  
New Windsor, NY 12553

McGuinness, James P. & Carol B.  
Shore Drive  
New Windsor, NY 12553

McGuinness, Carole B.  
Shore Drive  
New Windsor, NY 12553

Trainor, Craig T. & Lisa A.  
353B Shore Drive  
New Windsor, NY 12553

the words "same as" are followed by a series of group symbols, the use group and their respective bulk regulations shall be construed as applying to equivalent uses in the district wherein referred.

## ARTICLE V Supplementary Regulations

### § 48-14. Supplementary yard regulations.

#### A. Accessory buildings.

- (1) An accessory building may be located in any required side or rear yard, provided that:
  - (a) Such building shall not exceed fifteen (15) feet in height.
  - (b) Such building shall be set back ten (10) feet from any lot line.
  - (c) All such buildings, in the aggregate, shall not occupy more than ten percent (10%) of the area of the required rear or side yard.
- (2) Accessory buildings constructed at the same time may be located in pairs or groups in the required rear or side yard along the common side lot line or rear lot line of contiguous lots.
- (3) An accessory building on that portion of a lot not included in any required yard shall conform with the height regulations for principal buildings.
- (4) No accessory building shall project nearer to the street on which the principal building fronts than such principal building. Should topographic conditions be such that practical difficulties would be caused by this requirement with respect to the location of garages, the Planning Board may authorize the erection of such garages under the following conditions:
  - (a) If the natural slope is from ten percent (10%) to twenty percent (20%) within twenty-five (25) feet

of the street line, the Board may permit a garage not closer than twenty (20) feet to the street line.

(b) Where such slope exceeds twenty percent (20%), a garage may be permitted not closer than ten (10) feet to the street line.

- (5) The storage of unlicensed vehicles is prohibited in any residential district except in enclosed structures complying with these regulations.

B. Corner lots.

- (1) Obstruction of vision at street intersections. At all street intersections in all districts, no obstructions of vision exceeding thirty (30) inches in height above curb level shall be erected or maintained on any lot within the triangle formed by the street lines of such lot and a line drawn between points along such street lines thirty (30) feet distant from their point of intersection.
- (2) Rear and side yards. On a corner lot, front yards are required on both street frontages, and one yard other than the front yards shall be deemed to be a rear yard and the other or others side yards.

C. Exceptions to yard requirements.

- (1) Permitted obstructions. Cornices or cantilevered roofs may project not more than three (3) feet into a required yard. Belt courses, window sills and other ornamental features may project not more than six (6) inches into a required yard. Fences or walls not over four (4) feet in height may be erected anywhere on the lot, except as set forth in § 48-14B. Fences or walls with a height in excess of four (4) feet shall conform to the requirements set forth herein for buildings. Paved terraces, steps and walks, other than such as are needed for access to the buildings on the lot, shall not project to within fifteen (15) feet of a street line or within four (4) feet of a property line.
- (2) Entries and porticos. A roofed-over but unenclosed projection in the nature of an entry or portico, not

## ZONIN